

Application Number 10/020,086
Responsive to Office Action mailed December 17, 2004

REMARKS

This amendment is responsive to the Office Action dated December 17, 2004. Applicant has amended claims 23, 38, 46, 49, 52, and 54. Claims 1-58 are pending.

Claim Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 23-58 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 23, 38, 46, 49, 52, and 54 for purposes of clarification. Applicant submits that claims, as amended, particularly point out and distinctly claim the subject matter, as required by 35 U.S.C. 112, second paragraph.

With respect to claims 23-37 and 46-58, the Examiner stated that "the 'allocating' appears to be performed by the storing of a virtual storage map, however, the 'allocating' activity cannot actually be performed by a stored virtual storage map." Applicant respectfully submits that the Examiner has misunderstood the intended meaning of the claims. The term "allocating" does not refer to a separate activity or step in the context of independent claims 23, 46, 49, and 52. Rather, the virtual storage map (VSM) represents an allocation of a primary virtual storage and a secondary virtual storage. The Examiner is correct that the VSM is a collection of information. The VSM map itself represents an allocation of the primary virtual storage and secondary virtual storage. No further activity need be performed. Applicant has amended claims 23, 46, 49, and 52 for purposes of clarification to address the Examiner's concerns.

With respect to claims 38-45, the Examiner made a similar interpretation of the claim language "allocating." Applicant has amended claim 38 to clarify that the controller maintains a VSM that itself represents an allocation of a primary virtual storage and a secondary virtual storage. Consistent with the specification of the present application, no subsequent steps are required or intended by the terms "represents an allocation." For these reason, independent claims 23, 38, 46, 49, 52, and the claims dependent from them do not omit any essential steps or elements.

With respect to claim 54, the Examiner similarly mistook the phrase "to define" as describing a separate "defining activity." However, the phrase "to define" does not refer to a separate activity or step in the context of independent claim 54. Rather, claim 54, as amended,

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recites the step of storing a VSM to define an allocation of a set of storage units for a primary virtual storage and a secondary virtual storage. In other words, the VSM itself provides the definition of the allocation of the storage units. Applicant has amended claim 54 for purposes of clarification.

With respect to claim 46, the Examiner stated that the scope and meaning of the language of the claim is unclear, reasoning that it is "not clear how 'requests' that are 'unpublished' can be selectively filtered, since they are undisclosed they are unknown, and it is illogical that unknown requests are capable of being selectively filtered." Applicant respectfully submits that the Examiner has misunderstood this aspect of the invention. As described in the present application, unpublished vendor-specific requests may be selectively filtered in the following manner. When a request is received, the controller can compare it to a list of published requests. If the request is not on the published list, the controller may filter it as an unpublished request. Independent claim 46 and the claims dependent therefrom are therefore patentable. Applicant requests withdrawal of all rejections under 35 U.S.C. 112.

Applicants are hopeful that the discussion above will aid the Examiner's understanding of the claimed invention. If the Examiner has any further questions or continues to maintain the rejections under 35 U.S.C. 112, it is requested he contact the undersigned by telephone at his convenience.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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January 31, 2005
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